

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

vs.

HASSAN AHMED DAHIR (7)

§
§
§
§
§

3:10-CR-00260(7)
JUDGE HAYNES

DEFENDANT HASSAN DAHIR'S MOTION IN LIMINE No. 3
TO EXCLUDE AS WITNESSES JERRY OLSON, PETER LO, AND ANTHONY MISSER

Defendant, Hassan Ahmed Dahir (7), by and through the undersigned counsel, pursuant to Federal Rules of Evidence 401, 402, 403 and 404, and moves this Honorable Court to exclude the testimony of Jerry Olson, Dr. Peter Lo, and Anthony Missler because the proffered testimony will suggest to the jury either directly or implicitly that Defendant Dahir has a criminal record. Evidence of a defendant's prior record is inadmissible unless the defendant puts his credibility in issue.

The Government's revised Witness List identifies Jerry Olson as a Systems Management person with the Minnesota Bureau Criminal Apprehension. (Docket Entry no. 1864, Witness No. 86). Mr. Olson is expected to testify concerning Defendant Dahir's fingerprint records and/or the criminal records maintained by the Minnesota Bureau Criminal Apprehension. The Government has likewise provided notice of its intent to introduce the Minnesota Bureau Criminal Apprehension records for Defendant Dahir "showing what arrest IBIS matched Fingerprints and Fingerprint card that was matched to index fingerprints sent over IBIS." (Docket Entry No. 1848, Exhibit no 686, 688).¹

¹ On March 2, 2012, the Court heard the testimony of the Jerry Olson, Dr. Peter Lo and Anthony Missler both from the Morpho company that manufactures the IBIS mobile fingerprint device, during the hearing on Defendants' Motion *In Limine* to Exclude Fingerprint Evidence. The testimony of the witnesses was punctuated with references to fingerprint data bases developed by entry of prints from arrested persons.

ORDER
Based upon
this defendant's
Deposition
that
defendant
has in
vehicle
This motion
is DENIED
as
not.
Will go
over
3-22-12